

REMARKS/ARGUMENTS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Office Action. Claims 1-18 are currently pending, and this Response makes no amendments to the specification, drawings or claims. Applicant respectfully requests reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application in view of the following remarks.

SUMMARY OF THE OFFICE ACTION

In the Office Action, the Examiner has rejected claims 1, 8, 10, 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over SHABTAY et al. (U.S. Patent No. 6,928,049) in view of PAZY et al. (6,614,792). The Examiner has rejected claims 2-5 and 9 under 35 U.S.C. § 103(a) as being unpatentable over SHABTAY et al. in view of PAZY et al. and further in view of DiMAMBRO et al. (U.S. Pub. No. 2004/0143781). The Examiner has rejected claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over SHABTAY et al. in view of PAZY et al. in view of DiMAMBRO et al. and further in view of ZHENG et al. (U.S. Patent No. 6,611,522). The Examiner has rejected claims 11-13, 16-18 under 35 U.S.C. § 103(a) as being unpatentable over SHABTAY et al. in view of PAZY et al. and further in view of ZHENG et al. Applicant respectfully traverses each of the rejections for at least the following reasons.

SHABTAY ET AL. DO NOT DISCLOSE THE CLAIMED MULTI-SERVICE PLATFORM, OR A FAILURE IN THE INTERFACE BETWEEN THE MULTI-SERVICE PLATFORM AND A LAYER TWO NETWORK

The Office Action incorrectly asserts that SHABTAY et al. disclose the claimed multi-service platform and that it relates to rerouting a circuit if there is a failure in an interface between the multi-service platform and a layer two network having a plurality of layer two switches. Contrary to the assertions made in the Office Action, the stackable switch 20 of Fig. 1 of SHABTAY et al. is not a multi-service platform having a combination of layer two and layer three switching components. Instead, the stackable switch 20 includes substantially identical bridging devices A, B, C, D which are not a combination of layer two and layer three switching components, as claimed by Applicant. Bridging devices A, B, C, D are all identified by the same reference number 22, and are described as being substantially identical. For convenience, Fig. 1 of SHABTAY et al. is reproduced below:

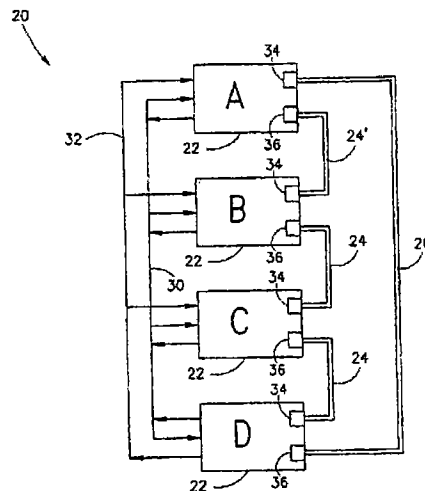


FIG.1

SHABTAY et al. provide the following descriptions regarding the substantially identical bridging devices 22:

Preferably, the at least one bridging-device which determines whether the redundant link should be blocked is ***substantially identical in its hardware to the other bridging-devices***. Further preferably, the at least one bridging-device which determines whether the redundant link should be blocked ***runs substantially identical software as the other bridging-devices***. [emphasis added]. (col. 4, lines 36-42).

There is further provided in accordance with a preferred embodiment of the present invention, ***a plurality of identical bridging-devices*** including internal ports, and a plurality of data links connecting the plurality of bridging-devices, wherein a specific one of the ***identical bridging-devices*** determines whether to activate or block its internal ports in a manner different from the other bridging-devices. [emphasis added]. (col. 4, lines 45-51).

Preferably, ***all of bridging-devices 22 are identical*** and only their connections determine if they are top or bottom bridging-device 22A or 22D. [emphasis added]. (col. 6, lines 27-29).

26. A modular switch, comprising: ***a plurality of identical bridging-devices*** comprising internal ports; and a plurality of data links connecting the plurality of bridging-devices, wherein a specific one of the identical bridging-devices determines . . . [emphasis added]. (Claim 26).

Since the § 103 rejection of claims 1, 8, 10, 14 and 15, as well as all the other claims, are based on SHABTAY et al. and since SHABTAY et al. do not disclose a multi-service platform of the type having a combination of layer two and layer three switching components as claimed by Applicant, the § 103 rejection of claims 1, 8, 10, 14 and 15 is improper and must be withdrawn.

In addition to not disclosing the claimed multi-service platform having layer two and layer three switching components, SHABTAY et al. do not disclose rerouting a circuit if there is a failure of the type disclosed and claimed by Applicant. Applicant's independent claims 1, 8

and 14 are directed to an apparatus or method for rerouting a circuit, “if there is a failure in the *interface between one of the layer two switches and the multi-service platform.*” The only failure that the stackable switch 20 of SHABTAY et al. detects is the internal failure of link 24 *within* the stackable switch 20 (the improperly asserted multi-service platform). More specifically, SHABTAY et al. disclose:

When a bridging-device 22 detects an inoperative link 24 it pulls down the value on wire 30. Alternatively, two bridging-devices 22 must report a failure in order to set LTT to a logical ‘0’. This is because a link failure is always detected by two bridging-devices 22. (col. 5, lines 44-46).

In some preferred embodiments of the present invention, the operability of redundant link 26 does not affect the actions performed by bridging-devices 22 and therefore the operability of redundant link 26 is not checked during the stabilization period and/or is not checked at all. Alternatively, when redundant link 26 is inoperative bridging-devices 22 stop checking the operation of links 24 since there is no way to compensate for failures in links 24. (col. 8, lines 18-22).

Based upon the teachings of SHABTAY et al., it is clear that there is no disclosure of rerouting a circuit if there is “a failure in the *interface between a layer two switch and the platform.*” The SHABTAY et al. disclosure is limited to whether there are failures in links 24 and 26 which are internal to the asserted platform or stackable switch 20. Since SHABTAY et al. fail to disclose rerouting a circuit if there is a failure in the interface between the stackable switch 20 and a layer two switch external to the stackable switch 20, the invention of claims 1, 8, 10, 14 and 15 is further distinguishable from SHABTAY et al. Accordingly, the § 103 rejection of claims 1, 8, 10, 14 and 15 is improper and must be withdrawn for this additional and independent reason.

PAZY ET AL. DO NOT CURE THE DEFICIENCIES OF SHABTAY ET AL.

The Office Action asserts, on page 6, that router 46 corresponds to the layer three switching component of Applicant's claimed invention and provides the functionality of Applicant's layer three switching component. It is respectfully submitted, however, that PAZY et al. do not teach, show or suggest the claimed functionality of the layer three switching component or the multi-service platform having layer two and layer three switching components, and there is no disclosure of rerouting a circuit through a physical loopback, if there is a failure in the interface between a layer two switch and the multi-service platform. Accordingly, PAZY et al. fail to disclose both the structure and function that are missing in SHABTAY et al.

At the top of page 7 of the Office Action, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of SHABTAY et al. to include the specific/explicit features of SHABTAY et al. Since the specific/explicit features of PAZY et al. described by the Examiner do not relate to the deficiencies of SHABTAY et al., the claimed combination of SHABTAY et al. in view of PAZY et al. does not render the invention of independent claims 1, 8, 10, 14 and 15 unpatentable, and the Examiner is respectfully requested to withdraw the rejection based upon 35 U.S.C. § 103(a) for this additional reason.

THE REJECTION OF DEPDNENT CLAMS 2-5, 6, 7, 9, 11-13, 16-18 UNDER 35 U.S.C. § 103(a)

The Examiner has also rejected dependent claims 2-5, 6, 7, 9, 11-13, 16-18 under 35 U.S.C. § 103(a) as being unpatentable over SHABTAY et al. in view of PAZY et al. and further in view of ZHENG et al. (claims 11-13, 16-18) and further in view of DiMAMBRO et al. (claims 2-5, 6, 7 and 9). With regard to dependent claims 2-5, 6, 7, 9, 11-13, 16-18, Applicant asserts that they are allowable because of their additional recitations, and at least because they depend, directly or indirectly, from independent claims 1, 8 and 14, respectively, which Applicant submits have been shown to be allowable. As explained in the September 14, 2007 Amendment, ZHENG et al. is substantially cumulative of the prior art illustrated in FIG. 1 of the present application and fails to disclose any physical loopback or rerouting of a circuit if there is a failure in the interface between one of the layer two switches and the multi-service platform. DiMAMBRO et al. is directed to a system and method for performing non-intrusive loopback *testing* in a communication device. *See*, the Abstract of DiMAMBRO et al., and it is clear that DiMAMBRO et al. is directed to the *testing* of a communications device and not re-routing of a circuit, if there is a failure.

In the most recent Office Action, the Examiner has cited ZHENG et al. and DiMAMBRO et al. to overcome the deficiencies in the combination of SHABTAY et al. in view of PAZY et al. However, Applicant respectfully submits that ZHENG et al. and DiMAMBRO et al. do not cure the deficiencies of the asserted hypothetical combination of SHABTAY et al. in view of PAZY et al. Accordingly, Applicant respectfully submits that claims 2-5, 6, 7, 9, 11-13, 16-18 are patentable and that the all the rejections under 35 U.S.C. § 103(a) must be withdrawn.

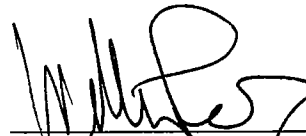
CONCLUSION

Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect.

If any extension of time is necessary, this is an express request for any necessary extension of time and authorization to charge any required extension of time fee or any other fees which may be required to preserve the pendency of the present application to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Edward Alan SIERECKI



Bruce H. Bernstein
Reg. No. 29,027

William Pieprz
Reg. No. 33,630

August 28, 2008
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191